

**BEFORE THE GEORGIA GOVERNMENT TRANSPARENCY AND
CAMPAIGN FINANCE COMMISSION
STATE OF GEORGIA**

IN THE MATTER OF:	*	CASE NO.
	*	
SHARON HENDERSON	*	20-0018-C; 20-0037-C

COMPLIANCE ORDER

This matter comes before the Georgia Government Transparency and Campaign Finance Commission ("Commission") pursuant to the complaints filed by Glen Williams ("Complainant") on or about April 28, 2020 (20-0018-C) and June 18, 2020 (20-0037-C). Prior to a final hearing on this matter, Respondent Sharon Henderson ("Respondent") and the Commission agree to resolve the above-styled matter by Compliance Order under the terms and conditions described herein.

FINDINGS OF FACT

Respondent was a candidate for a two-year term as State Representative District 113 during the 2020 election year. During the 2020 election cycle the Commission received two third-party complaints, both filed by Glen Williams, alleging that Respondent violated the Campaign Finance Act ("Act") by failing to file her Personal Financial Disclosure Statement ("PFDS") and failing to accurately report contributions and expenditures on her Campaign Contribution Disclosure Reports ("CCDR").

Complainant's first complaint (20-0018-C) solely alleged that Respondent failed to file her PFDS as required by O.C.G.A § 21-5-50. After receipt of this complaint Respondent communicated with multiple Commission staff members about her required 2020 filings. Respondent explained that she inadvertently missed the PFDS filing date due to specified personal emergencies that resulted from the Covid-19 public health emergency. After receiving additional information about correctly accessing the Commission's electronic filings system, Respondent filed her PFDS on May 22, 2020. Respondent also requested information for late fee payment submission on May 22. Respondent paid her \$125.00 late fee on May 28, 2020.

Complainant's second complaint (20-0037-C) alleged that Respondent failed to disclose certain campaign contributions and expenditures on her April 30, 2020 CCDDR in violation of O.C.G.A § 21-5-34. Preliminary investigation revealed that Respondent timely filed her initial April 30, 2020 CCDDR, but under an inactive filer identification number. The filing was corrected internally. Staff confirmed Respondent's active filer ID and generated an email that contained the filer ID number and password. Respondent filed her April 30, 2020 CCDDR on May 1, 2020. This report appeared to show zero reported campaign contributions or expenditures due to a glitch in the E-filing system during this time period. This report was amended on July 7, 2020. Commission Staff has

determined that Respondent's electronic filings were affected by an internal technical problem and therefore does not find a violation of the Act relating to her April 30, 2020 CCDR.

Due to the aforementioned technical issues, Respondent has multiple candidate registrations in our system and further investigation of Respondent's filings indicated that there were additional irregularities.¹ For instance, Respondent filed a Declaration of Intent to Accept Campaign Donations "DOI" in March of 2018 prior to running for the District 113 seat. Respondent filed a second DOI in February of 2020, though she was not required to since she was running for the same office. Ga. Comp. R. & Regs. 189-6-.10(2). Moreover, across Respondent's CCDRs numerous contributions the candidate made to her campaign were incorrectly reported but accurately disclosed in a manner sufficient to constitute technical defects. O.C.G.A § 21-5-7.1. The Commission notified the Respondent about these technical defects on February 11, 2021 and Respondent promptly contacted the Commission on February 16, 2021 to remedy her filings in accordance with O.C.G.A § 21-5-7.1(2).

CONCLUSIONS OF LAW

- 1) The Commission finds that Respondent violated the Georgia Government Transparency and Campaign Finance Act in that Respondent failed to timely file her PFDS for calendar years 2019, in violation of O.C.G.A. § 21-5-50(a)(1) and subsequently complied with the Act by paying the associated late fee and filing her PFDS.
- 2) The Commission finds that Respondent did not violate the Georgia Government Transparency and Campaign Finance Act in as it relates to O.C.G.A § 21-5-34 and her 2020 filing irregularities.

HOLDING

In resolving this matter, Respondent hereby agrees to the following:

Respondent will not be required to pay a civil penalty to the Commission for violation of O.C.G.A. § 21-5-50 or of O.C.G.A § 21-5-34 as detailed *supra* due to the facts and circumstances related to this case.

Respondent further agrees not to commit any further violations of the Georgia Government Transparency and Campaign Finance Act and corresponding Commission Rules. Moreover, Respondent will participate in future educational opportunities provided by the Commission and make every effort to apprise herself of the applicable laws and rules so as to avoid possible future violations.

Respondent represents that the foregoing findings of facts are true, agrees with the conclusions of law, and further agrees to abide by all terms of this Order. By signing this Order, Respondent

¹ All irregularities should be cured by the new Electronic Filing system which Respondent will be required to use for her June 30, 2021 filing.

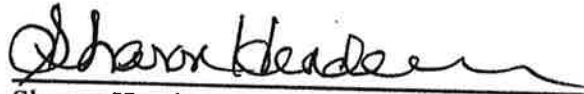
waives any right to appeal pursuant to the procedures outlined in the Administrative Procedures Act ("APA"), O.C.G.A. § 50-13-1 *et. seq.*

Failure to comply with the terms herein, absent a showing of good faith, will constitute a willful and knowing violation of said terms by Respondent. Respondent's failure to comply with said terms shall constitute a breach of this agreement and thereby authorize the Commission to seek enforcement and/or collection of this order by subsequent contempt or other proceedings against the Respondent in the Superior Court for the State of Georgia. The parties agree that all costs and attorneys' fees incurred by the Commission in any enforcement action shall be assessed against Respondent pursuant to O.C.G.A. § 21-5-6(b)(14)(C)(iv).

The Commission adopts the foregoing findings of fact and conclusions of law and orders the implementation of the terms of this Consent Order.


Signature attested to on this 23 day
of June, 2021.

By: _____
Public Notary


Sharon Henderson
Respondent

My Commission Expires: _____

Order Prepared and Presented by:


Rachel N. Goldberg, Staff Attorney
Bar No.: 270582

SO ORDERED this 24th day of June, 2021.

Georgia Government Transparency and Campaign Finance Commission

BY:


Jake Evans, Chair